

### **Remarks**

Reconsideration and reversal of the rejections expressed in the Office Action of May 6, 2004 are respectfully contended in view of the following remarks and the application as amended. The present invention relates to a latent or "invisible ink" security marking formulation using a phosphor with distinct emissions characteristics including visible emission due to excitation at a particular invisible wavelength. An insoluble inorganic phosphor with this or a similarly distinct emission characteristic is milled to a small particle size, preferably less than one micron particle diameter, and is combined with a carrier at very low pigment concentration, for example one percent by weight of the ink formulation.

The Examiner's comments on page 3 of the Office Action regarding usage of trademarks/tradenames are noted. Upon review of the application, Applicants respectfully contend that they have indeed used trademarks/tradenames in an adjectival rather than noun form, have placed specific marks in caps where appropriate, and have marked registered trademarks accordingly.

Claims 3, 5, 9, 10 and 12 were rejected under 35 U.S.C. §112, first paragraph. The claims have been clarified to overcome this rejection.

Claims 1, 2, 4, 5, 8, 9, 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kernohan, (U.S. Pat. No. 3,881,941) in view of Connell et al. (U.S. Pat. No. 5,554,842). In order to enhance the prosecution of the present application, the claims have been clarified by this Amendment and Response.

For all of the above reasons, it is respectfully contended that the solicited claims define patentable subject matter. Reconsideration and reversal of the rejections expressed in the Office Action of May 6, 2004 are respectfully submitted. The Examiner is invited to call the undersigned if any questions arise during the course of reconsideration of this matter.

Respectfully submitted,

Date: 9/29/04

Richard A. Paikoff

Richard A. Paikoff

Reg. No. 34,892

Duane Morris LLP

One Liberty Place, 1650 Market Street

Philadelphia, PA 19103-7396

tel. 215-979-1853

PH1\1234872.1